



**ACC Bernard Higgins, Police Scotland  
Gold Commander for COP-26**

12 October 2021

Dear ACC Bernard Higgins

### **Human rights and COP-26**

Children and young people are leading the fight for climate justice in Scotland and around the world. COP-26 in Glasgow is a pivotal moment, both for climate change negotiations and for children and young people leading calls for climate action and exercising their right to protest.

I write to seek your assurance that children and young people's human rights will be respected, protected and fulfilled in the policing of peaceful protests and mass gatherings before and throughout COP-26.

The voices and experiences of children and young people are at the heart of my approach to my role in promoting and safeguarding their rights.

Children and young people have told me they are concerned about some of the preparations and messaging around the organisation and planning for policing at COP-26. In particular:

- a lack of accessible information
- lack of participation by children and young people in the planning of policing
- criminal justice repercussions, and
- the potential for the use of force, including 'kettling' or other physical interventions, towards protestors.

These concerns have been exacerbated by negative media, including photos of police in riot equipment and coverage of policing by other police forces, outside Scotland, over the last 18 months. Young people are receiving information from a range of sources, not all accurate, and are not always sure which information is correct.

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The actions described above affect child human rights defenders' ability to realise their right to peaceful protest, which includes the rights to freedom of peaceful assembly and association, of thought, conscience, and religion, of expression, of information, and participation, among others.

I am particularly concerned that, due to inconsistencies in Scots law, children aged 16 and 17 years old may be treated as adults if they come into contact with the police. While a child should only be arrested or detained at a protest as a matter of last resort, the failure of Scots law to recognise all under-18s as children, including in the criminal justice system, means they do not receive the human rights protections they are entitled to as children under the UNCRC and in line with the UN Committee on the Rights of the Child's General Comment number 24 on children's rights in the child justice system. Should 16 or 17 year-olds be arrested or detained in the context of protests during COP-26, they could be processed and prosecuted in the adult criminal justice system, and denied the protections to which they are entitled. This could result in further serious human rights violations, including a failure to adopt a welfare-based approach to their care and protection where their best interests, rights and needs will not be considered. Children could be detained or remanded with adults or receive a custodial sentence.

I therefore seek your reassurances that where children and young people are at risk of violence or harm during protests, the police will take proactive steps to address the root cause and remove any potential harm.

My office has contributed to the work of the two SPA Independent Advisory Groups (IAGs) on policing during the pandemic and during COP-26. We have provided briefings on policing and the human rights of children and young people. These have outlined international human rights law and standards for children in conflict with the law.

Police Scotland has acknowledged their obligation to respect, protect and fulfil the human rights of children and young people, exercising their right to peaceful protest in this context. The approach taken by Police Scotland in August 2020, when children and young people protested about the Scottish Qualifications Authority (SQA) exam results, included engagement, planning and cooperation with the

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protest organisers. We welcomed this approach which fulfils children's rights to participate in decision-making.

Nonetheless, children and young people are concerned about the approach police will take during COP-26. I would therefore seek your assurances, that Police Scotland will communicate with children and young people, before and during COP-26, in a way which will be age-appropriate, accessible, and child-friendly. It must be clear, to children and young people in Scotland and those travelling to Scotland for the event, that Police Scotland take a human-rights based approach to policing, in line with the principles of the new [Scottish Justice for Children and Young People: A Rights- Respecting Approach Vision and Priorities](#), and that police officers are trained on the UNCRC and other relevant international human rights law and standards. Children should be reassured that Police Scotland do not, and will not, use enforcement measures such as water cannons, 'tear gas' or other chemical irritants, a disproportionate use of force, 'spit hoods' or 'kettling' in policing and protecting children and young people.

I trust that by adopting a human rights approach, building on Police Scotland's commitment to implementation of the UNCRC, COP-26 will present an opportunity to build on the existing relationships with police officers, across communities of children and young people.

I thank you for your consideration of these issues and look forward to hearing from you.

Yours sincerely



**Bruce Adamson**

**Children and Young People's Commissioner Scotland**